

THE HONORABLE BENJAMIN H. SETTLE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

PORT OF TACOMA, a Municipal Corporation;

Plaintiff,

vs.

TODD SHIPYARDS CORPORATION, et al.,

Defendants.

NO. CO8-5132-BHS

**ORDER APPROVING SETTLEMENT
WITH DEFENDANT TODD
SHIPYARDS CORPORATION**

The Court, being fully advised in the premises and for good cause shown, hereby grants Plaintiffs' Motion and makes the following findings and order:

1. The Port of Tacoma ("Plaintiff") filed a complaint in this case on March 5, 2008, asserting claims for contribution against Defendant Todd Shipyards Corporation, a Delaware corporation ("TSC") and other defendants under the Comprehensive Environmental Response,

1 Compensation and Liability Act ("CERCLA"), 42 U.S.C. §9613(f) and the Washington Model
2 Toxics Control Act ("MTCA"), RCW 70.105D.080. Plaintiff's claims are based upon costs
3 incurred by responding to the release of hazardous substances to an area known as the Mouth of
4 the Hylebos which is a portion of the Hylebos Waterway Problem Area located within the
5 Commencement Bay Nearshore/Tideflats Superfund Site ("CB/NT"), a designated National
6 Priorities List site in Tacoma, Washington.

7 2. The Plaintiff has entered into a good faith settlement agreement dated August 31, 2010,
8 with TSC (the "Settlement"). The Settlement releases TSC from claims asserted by Plaintiff
9 upon payment of the Settlement Amount. The Settlement is contingent upon this court's
10 approval and issuance of an order dismissing and barring claims against TSC.

11 3. Plaintiff and TSC negotiated at arms-length and considered the strengths and risks of
12 their respective cases, evidentiary and legal issues as known at this time, and the expenses of
13 litigation.

14 4. The Settlement and the application of the principles of Section 6 of the Uniform
15 Comparative Fault Act, 12 U.L.A. 126-53 (1996), with respect to the Settlement's effect on
16 nonsettling defendants in this case are fair and consistent with the purposes of CERCLA and the
17 strong federal policy favoring settlements.
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ORDER

IT IS HEREBY ORDERED that:

1. The Settlement is hereby approved. The Court shall issue an Order dismissing, with prejudice, all claims by Plaintiff against TSC upon a showing of satisfaction of the Settlement Amount and barring all claims for contribution relating to the Commencement Bay Nearshore/Tideflats Superfund Site.
2. The principles of Section 6 of the Uniform Comparative Fault Act, 12 U.L.A. 147 (1996) shall govern the effect of the Settlement on Plaintiff's claims against nonsettling defendants and Plaintiff's recovery, if any, against nonsettling parties shall be reduced by TSC equitable and proportionate share of liability for response actions at the Site, as equitable shares may be determined at trial.

Done this 9th day of September, 2010



BENJAMIN H. SETTLE
United States District Judge

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